

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 18-11348-RGS

PAVEL LIFCHITS

v.

INTEGON NATIONAL INSURANCE CO.

ORDER

December 4, 2018

Plaintiff Pavel Lifchits of Framingham, Massachusetts, filed a *pro se* complaint on June 27, 2018 seeking \$4,000 for property damage sustained in an April 9, 2018 car accident in New York. *See* Docket No. 1. By Electronic Order dated November 30, 2018, the motions to dismiss were allowed. Although there is complete diversity among the parties, the jurisdictional threshold of \$75,000 was not plausibly alleged. *See* Docket No. 23. The dismissal was without prejudice to Plaintiff refiling in the appropriate state court. *Id.*

Now before the Court is Plaintiff's *pro se* motion titled "motion about Judgment in the favor of the Plaintiff on the basis of the untimely submission the Defendant's answer." *See* Docket No. 26. Plaintiff complains, among other things, that he "did not receive any paper from lawyers before" and "assumed that [he would] receive the answer through E-mail." Plaintiff

contends, as he has in his earlier filings, that the Defendants failed to file timely answers to the complaint.

Regardless of the parties' pleadings, "federal courts are of limited jurisdiction. They cannot act in the absence of subject matter jurisdiction, and they have a *sua sponte* duty to confirm the existence of jurisdiction in the face of apparent jurisdictional defects." *United States v. Univ. of Mass., Worcester*, 812 F.3d 35, 44 (1st Cir. 2016). Here, the complaint was dismissed for lack of subject matter jurisdiction.

ACCORDINGLY, it is hereby ORDERED that: Plaintiff's Motion (Docket No. 26) for Judgment in favor of the Plaintiff is DENIED as MOOT and this case remains closed.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE